

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

In re: James Lofton Johnson, § Case No. 17-71129  
Patricia Lynn Johnson, §  
Debtor(s) § Chapter 13

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**RESPONSE**

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NOW COMES THE TRUSTEE, in response to the Motion to Approve Loan Modification (the “Motion”) [Docket No. 39], and shows this Court as follows:

1. Although the Trustee does not generally oppose the Debtor’s loan modification, the Trustee is concerned given that \$11,649.57 is being capitalized in the agreement.
2. Given the Debtor’s pre-petition arrears when the Case was filed, this suggests that the Debtors possibly have defaulted significantly post-petition.
3. Accordingly, to the extent the Debtors have defaulted substantially post-petition, the Trustee requests that the loan modification be incorporated into an amended plan providing for conduit payments of the mortgage going forward.

**OFFICE OF THE CHAPTER 13 TRUSTEE  
CHRISTOPHER T. MICALE, TRUSTEE**

By: /s/Jason B. Shorter  
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**CERTIFICATE OF SERVICE**

The Undersigned hereby certifies that on October 5, 2018 he uploaded a true and exact copy of the foregoing Response to the Court's Electronic Case Filing System, notice of which shall be sent by operation of the Court's Electronic filing receipt to all parties entitled to receive notice electronically, including, Counsel for the Debtor(s).

/s/ Jason B. Shorter

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